



DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0045]

[Docket No. 2019-0003; Sequence No. 17]

Submission for OMB Review; Bid Guarantees, Performance and Payment Bonds, and Alternative Payment Protections

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve a renewal of a previously approved information collection requirement regarding bid guarantees, performance and payment bonds, and alternative payment protections.

DATES: Submit comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

Office of Information and Regulatory Affairs of OMB,
Attention: Desk Officer for GSA, Room 10236, NEOB,

Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. Go to <http://www.regulations.gov> and follow the instructions on the site.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street, NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 9000-0045, Bid Guarantees, Performance and Payment Bonds, and Alternative Payment Protections.

Instructions: All items submitted must cite Information Collection 9000-0045, Bid Guarantees, Performance and Payment Bonds, and Alternative Payment Protections. Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check www.regulations.gov, approximately two-to-three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Mahruba Uddowla,
Procurement Analyst, at telephone 703-605-2868, or
mahruba.uddowla@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. OMB number, Title, and any Associated Form(s) :

9000-0045, Bid Guarantees, Performance and Payment Bonds,
and Alternative Payment Protections-- Standard Forms (SF)
24, 25, 25A, 25B, 34, 35, 273, 274, 275, 1416, and 1418

B. Needs and Uses

FAR Subparts 28.1 and 28.2; FAR clauses at 52.228-1,
52.228-2, 52.228-13, 52.228-14, 52.228-15, 52.228-16; and
associated FAR standard forms implement the statutory
requirements of the Miller Act (40 U.S.C. §§ 3131 to 3134),
which requires performance and payment bonds for any
construction contract exceeding \$150,000 unless it is
impracticable to require bonds for work performed in a
foreign country, or it is otherwise authorized by law. In
addition, the regulations implement the notice to 40 U.S.C.
§ 3132, entitled "Alternatives to Payment Bonds Provided by
the Federal Acquisition Regulation," which requires
alternative payment protection for construction contracts
that exceed \$35,000 but do not exceed \$150,000. Although
not required by statute, under certain circumstances the

FAR permits the Government to require bonds on other than construction contracts.

FAR clause 52.228-1, Bid Guarantee, as prescribed in FAR 28.101-2, requires the bidder to furnish a bid guarantee in the proper form and amount (SF 24, Bid Bond; SF 34, Annual Bid Bond).

FAR clause 52.228-2, Additional Bond Security, as prescribed in FAR 28.106-4(a), requires the Contractor to furnish additional bond security under certain circumstances. This clause is used both for construction and other than construction contracts. (SF 1415, Consent of Surety and Increase of Penalty).

FAR clause 52.228-13, Alternative Payment Protections, as prescribed in FAR 28.102-3(b), requires the Contractor to submit one of the payment protections listed in the clause by the Contracting Officer, in construction contracts greater than \$35,000 but not exceeding \$150,000.

FAR clause 52.228-14, Irrevocable Letter of Credit, as prescribed in FAR 28.204-4, requires offerors to provide certain information when they intend to use an irrevocable letter of credit (ILC) in lieu of a required bid bond, or to secure other types of required bonds such as performance and payment bonds. This clause is required in solicitations

and contracts when a bid guarantee, or performance bonds, or performance and payment bonds are required.

FAR clause 52.228-15, Performance and Payment Bonds-Construction, as prescribed in FAR 28.102-3(a), requires the contractor to provide performance and payment bonds in construction contracts exceeding \$150,000 (SF 25, Performance Bond; SF 25A, Payment Bond; SF 25B, Continuation Sheet (for SF's 24, 25, and 25A); SF 273, Reinsurance Agreement for a Miller Act Performance Bond; SF 274, Reinsurance Agreements for a Miller Act Payment Bond).

FAR clause 52.228-16, Performance and Payment Bonds-Other than Construction, as prescribed by 28.103-4, requires performance and payment bonds for other than construction contracts. This clause is only used in limited circumstances. (SF 35, Annual Performance Bond; SF 1416, Payment Bond for Other Than Construction Contracts; SF 275, Reinsurance Agreement in Favor of the United States; SF 1418, Performance Bond for Other than Construction Contracts).

C. Annual Reporting Burden

Respondents: 803.

Responses Per Respondent: 1.

Total Annual Responses: 803.

Hours Per Response: 1.

Total Burden Hours: 803.

D. Public Comment

A 60 day notice was published in the *Federal Register* at 84 FR 15224, on April 15, 2019. No comments were received.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street, NW, Washington, DC 20405, telephone 202-501-4755. Please cite OMB Control No. 9000-0045, Bid Guarantees, Performance and Payment Bonds, and Alternative Payment Protections, in all correspondence.

Dated: July 16, 2019

Janet Fry,
Director,
Federal Acquisition Policy Division,
Office of Governmentwide Acquisition Policy,
Office of Acquisition Policy,
Office of Governmentwide Policy.

BILLING CODE: 6820-EP

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